

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MATT HORN and VERONICA HORN,  
Plaintiffs,

-against-

LG ELECTRONICS USA, INC. and HOME  
DEPOT U.S.A., INC.,

Defendants.

1:23-mc-00319 (JLR)

**ORDER**

JENNIFER L. ROCHON, United States District Judge:

The Court is in receipt of the miscellaneous case filed by LG Electronics USA, Inc. and Home Depot U.S.A., Inc. (“Defendants”) regarding third party subpoenas. *See* ECF No. 3. Defendants filed subpoenas for non-parties Kristen Z. Stavisky and Evan Stavisky (the “Non-Parties”) to testify at depositions, apparently in connection with an action pending in the District of Maine. *See id.* Despite commencing this miscellaneous action, Defendants have identified themselves as “Defendants” and identified Matt Horn and Veronica Horn (“Plaintiffs”), the plaintiffs in the underlying action in the District of Maine, as “Plaintiffs” here. Plaintiffs have not yet appeared. The docket does not reflect that Defendants have served their filings on Plaintiffs or the Non-Parties. Nor have Defendants filed any motion or otherwise requested action from the Court.

IT IS HEREBY ORDERED that, by **September 20, 2023**, Defendants shall file a letter proposing next steps and serve that letter on Plaintiffs and the Non-Parties.

IT IS FURTHER ORDERED that, if Defendants intend to move to compel the Non-Parties to comply with the subpoenas, Defendants must comply with the Federal Rules of Civil Procedure, the Local Civil Rules of the Southern District of New York, and this Court’s


Individual Rules of Practice in Civil Cases, including by: (i) conferring in good faith with the relevant parties in an effort to resolve the dispute, pursuant to the Court’s Individual Rule 2(E); (ii) if the meet and confer is unsuccessful, filing a letter-motion for a pre-motion discovery conference pursuant to Local Civil Rule 37.2 and the Court’s Individual Rule 2(E); and (iii) serving any moving papers on the non-party subpoena recipients, pursuant to Federal Rule of Civil Procedure 45(d)(2)(B)(i). *See, e.g., Clinton Capital Corp. v. 357 W. 21st St. Assocs., Inc.*, No. 16-mc-00353 (LAK) (BCM), 2021 U.S. Dist. LEXIS 91560, at \*4 (S.D.N.Y. May 13, 2021) (motion to compel compliance with non-party subpoenas in miscellaneous case must be made “in compliance with the Federal Rules of Civil Procedure, the Local Civil Rules of the Southern District of New York, and [the court’s] individual practices”).

IT IS FURTHER ORDERED that Defendants shall serve this Order with the appended Notice, Defendants’ filings, this Court’s Individual Rules of Practice in Civil Cases (available here: <https://www.nysd.uscourts.gov/hon-jennifer-l-rochon>), and a copy of the docket sheet on Plaintiffs and the Non-Parties no later than **September 15, 2023**, and file proof of service that same day.

Additionally, because it is not clear from the record whether the Non-Parties are represented by attorneys, the Court is appending to this Order a “Notice For *Pro Se* Litigants” from the New York Legal Assistance Group’s Legal Clinic for *Pro se* Litigants.

Dated: September 13, 2023  
New York, New York

SO ORDERED.

  
JENNIFER L. ROCHON  
United States District Judge

# **Notice For** **Pro Se Litigants**

**As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings as of Tuesday, March 17, 2020.**

**Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. During this time, we cannot assist walk-in visitors to the clinic.**

**If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible. If you do not leave a message with your telephone number, we cannot call you back.**

**Please be patient because our responses to your messages may be delayed while we transition to phone appointments.**

